

task force mtg. 2/18/81 1⁰⁰ PM

MRI extension at least 90 days

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Office of Enforcement

SICode - petroleum industry

US EPA RECORDS CENTER REGION 5



514593

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superfund proposal — 1 copy for Mike

003616

DRAFT DEMAND NOTICE FOR SUPERFUND RAP

President, Reilly Tan and Chemical Co.

96-

Section 104 (a)(1) of P.L. 510, (42 USC 9601) the "Comprehensive Emergency Response, Compensation, and Liability Act," requires an owner, operator, or other responsible party, as defined at section 101 of the Act, to undertake removal or remedial activities to control the release of hazardous substances at a facility at which an ~~actual~~ release has occurred or at which a substantial threat of a release exists.

In the event that an owner, operator, or other responsible party fails to take appropriate removal or remedial activity, section 104 (a)(1) authorizes the U.S. Environmental Protection Agency, acting on the behalf of the President, to undertake ~~or arrange for~~ removal or remedial activities at the facility in order to protect the public health, welfare, or environment. Should the Agency undertake such ~~removal or~~ remedial activities, the owner, operator, or other responsible party may be held liable, under section 107 (a) ~~§~~, for all costs incurred by the United States Government in responding to an actual or threatened hazardous substances release.

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The Agency has determined that an ~~actual~~ release ~~or threat of a~~ release of hazardous substances within the definition of P.L. 510 has occurred at ①. Pursuant to section 104 (a)(1), ~~§~~ ¹¹² is responsible for developing ^{remedial action} a plan for the removal or containment of hazardous substances at that site. This plan must be submitted to the U.S. Environmental Protection Agency for review and approval within ③ days of the receipt of this notice. If ④ fails to present a plan to the Agency within the specified time, or if the Agency does not approve the submitted plan, the Agency, pursuant to section 104, will develop a remedial action plan ~~in order to design a specific removal or remedial program to control the release of hazardous substances at the site. Recovery of the costs incurred by the Agency in developing the remedial action plan, as well as all subsequent costs relating to the removal or remedial action taken by the government to control the release of hazardous substances at the facility will be sought from~~ ④ pursuant to section 112. of the act

(Pursuant to section 107 (c)(3), failure, without sufficient cause, to meet the requirements referred to above, can result in the additional liability to the United States Government of punitive damages equal to ~~not more than~~ three times the costs incurred by the Government in undertaking its removal or remedial activities.)

[Sections 104 (b) and (e)(1) of the Act permit the Agency to inspect, obtain samples or otherwise gain access to the facility and adjacent area in order to develop the information needed to plan or undertake any response actions by the United States Government.]

unnecessary generally, but specifically here since RT doesn't own site

~~specific requirements~~

~~misapplying these requirements provisions~~

003617

635-544

- ① the former Reilly Tan and Chemical Company site in St. Louis Park, Michigan
- ② Reilly Tan and Chemical Company ("Reilly Tan")
- ③ days
- ④ Reilly Tan

INSERT

*

This plan is to include provision for: A. Investigation of contamination of wells 23 and the sugar beet well, migration of contaminants into the surrounding area and abandonment or reconstruction of these wells; B. Investigation of all wells in St. Louis Park study area and development of a well abandonment or reconstruction program where appropriate; and C. Establishment of ~~a barrier well~~ at Municipal Well 15 as a barrier well and; D. Design of plans and specifications for effective treatment of water at Municipal Well 15 in conjunction with its use as a barrier well.

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